

SCANNED at SCCC and E-mailed
 07-26-19 by SN . 16 pages
 date initials No.

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
 HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court for WESTERN District of Missouri	
Name: LELAND M. BEASLEY	Docket of Case No: 14SL-CC01265 19-0605-CV-W-HFS-P
Place of Confinement South Central Correction Center	Prisoner No: 1242696
Petitioner LELAND M. BEASLEY	V. Respondent STATE OF MISSOURI
The Attorney General of the State of : The State of Missouri	

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Circuit Court for Saint Louis County, 21st judicial Circuit

(b) Criminal docket or case number (if you know): 14SL-CC01265

2. (a) Date of the judgment of conviction (if you know): July 6, 2012

(b) Date of sentencing: August 24, 2012

3. Length of sentence: 4Life Consecutive, +60 yrs, Consecutive / and 296 year Federal

4. In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No

5. Identify all crimes of which you were convicted and sentenced in this case: 13 Counts
2 counts Child Molestation, 8 Counts Statutory Sodomy, 2 Count Attempted
Statutory Sodomy, 1 Counts ~~Assault~~ Promoting Child Pornography
3 Counts Possession Child Pornography

6. (a) What was your plea (Check one)

~~XXX~~ (1) Not guilty

(3) Nolo Contendere (no contest)

(2) Guilty

(4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

(c) If you went to trial, what kind of trial did you have (check one)

☒ Jury

☐ Nonjury

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes

☐ No

8. Did you appeal from the judgment of conviction?

☒ Yes

☐ No

9. If you did appeal, answer the following:

(a) Name of court: Circuit Court of Saint Louis County and Missouri Court of Appeals

(b) Docket or case number (if you know): ED 105753

(c) Result: All appeals denied

(d) Date of result (if you know): last result July 18, 2018

(e) Citation to the case (if you know): _____

(f) Grounds raised: Ineffective Asst Counsel, Due Process of Law, Jurisdiction of Court improper, Judge was Biased and Partial, Exculpatory evidence and Alibi prevented to be admitted at trial, Police and Prosecutoer Violated defendants 4th, 5th, and 6th Constitutional Amendments, Prosecutor failed to bring forth subpoenaed witnesses and alleged victims during trial, prosecutor violated Courts rulings

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: Missouri Court of Appeals

(2) Docket or case number (if you know): ED 105753

(3) Result: All appeals denied

(4) Date of result (if you know): last result July 18, 2018

(5) Citation of the case (if you know): _____

(6) Grounds raised: same as above, however altered by defendants public defender to 1. Ineffective assistant of appellate counsel, 2. denied right to due process, 3. denied right to due process, 4. denied right to effective assistance of post conviction counsel

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☒ No
If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petition, application or motions concerning this judgement of conviction in any state court?

XX Yes NO

11. If your answer to Question 10 was "YES" give the following information:

(a)(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: Direct appeal / 29.15 appeal and form 40

(5) Grounds raised: same as #9

(6) Did you received a hearing where evidence was given on your petition, application, or motion?

XX Yes No

(b) If you filed any second petition, application, or motions, give the same information:

(1) Name of court: _____

(2) Docket of case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

I WOULD LIKE TO INCLUDE ALL GROUNDS BROUGHT FORTH IN MY WRITTEN ~~29.13~~ appeal and be allowed to submit a brief on ALL Grounds as listed there to clarify
(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):
Supporting facts and information on record. Present NEW evidence and information.

~~Each Public Defender that has represented me, has excluded and refused to file pertinent information to my case at every level, including PRE-TRIAL and POST TRIAL .~~ SEE ATTACHED 3 PAGES FROM HAND WRITTEN APPEAL

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgement of conviction, did you raise this issue?
Yes NO

(2) If you did not raise this issue in your direct appeal, explain why? _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
Yes No

(2) If your answer to Question (d)(1) is "Yes" state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Remark (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?
Yes No

5. Check whether a finding of guilt was made:

(a) After a plea of guilty _____ (b) After a plea of not guilty ✓

6. Did you appeal from the judgment of conviction? YES

7. If you answered "yes" to (6), list

(a) the name of the court to which you appealed"

MISSOURI COURT OF APPEALS EASTERN DISTRICT

(b) the result in such court and the date of such result:

JUDGEMENT OF TRIAL COURT AFFIRMED FILED DECEMBER 24, 2013

(c) the date the appellate court's mandate issued:

JANUARY 16, 2014

8. State concisely all the claims known to you for vacating, setting aside or correcting your conviction and sentence:

(a) INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLATE COUNSEL AND
INEFFECTIVE ASSISTANCE OF PRE TRIAL COUNSEL

(b) THE COURT IMPOSING THE SENTENCE WAS WITHOUT JURISDICTION TO DO SO
AND BOTH DOUBLE JEOPARDY AND PETITE RULES WERE CIRCUMVENTED

(c) THE SENTENCE IMPOSED WAS IN EXCESS OF THE MAXIMUM SENTENCE
AUTHORIZED BY LAW, UNNECESSARILY EXTREME, AND IMPOSED AS A
RESULT AND PUNISHMENT FOR EXERCISING RIGHT TO TRIAL.

9. State concisely and in the same order the facts supporting each of the claims set out in (8), and the names and addresses of the witnesses or other evidence upon which you intend to rely to prove such facts:

(a) 8 AND 9 CONTINUED ON ATTACHED PAGE 1 (2 SIDES)

(b) _____

ATTACHED PAGE 1 RULE 29.15 R.S.M.O.
FORM 40 CRIMINAL PROCEDURE

8(d) DUE PROCESS WAS DENIED TO DEFENDANT.

9(a through d) BOTH ATTORNEYS ASSIGNED FOR TRIAL, KELLY MOYICH, AND APPEALS ATTORNEY, ELEN FLOTTMAN, REFUSED TO FILE IMPORTANT REQUESTED DEFENSE INFORMATION AS BOTH VERBAL AND IN WRITING OF DOCUMENTS, TESTIMONY, AND EVIDENCE IN POSSESSION OF OTHERS INCLUDING PROSECUTORS THAT INDICATED AND CONFIRMED DEFENDANTS INNOCENCE AND INCULPABILITY TO THE CHARGED CRIMES INCLUDING BUT NOT LIMITED TO ALIBI INFORMATION, TESTIMONY FROM WITNESSES AND STATEMENTS FROM DEFENDANT.

PROSECUTORS, JUDGE, AND PUBLIC DEFENDOUR SCHEMED WITH FEDERAL PROSECUTORS AND PUBLIC DEFENDERS IN THE PROCESS TO ENSURE CONVICTION OF THE 'SAME CONDUCT' IN BOTH FEDERAL AND STATE COURTS, REFERRED TO IN PART BY MOTION DATED SEPTEMBER 17, 2010.

PROSECUTORS, JUDGE, AND PUBLIC DEFENDERS SCHEMED TO RECORD INACCURATELY EVENTS INVOLVING DEFENDANTS REQUIREMENT TO FILE MOTIONS TO SUPPRESS AND VIOLATIONS OF DEFENDANTS CONSTITUTIONAL RIGHTS OF THE 4TH, 5TH, 6TH AND 14TH AMENDMENTS. AS RECORDED IN MOTION FILED BY DEFENDANT IN MAY 21, 2012 REGARDING MOTION FILED FEBRUARY 7, 2012, STATING DEFENDANT WAS PRESENT, BUT IN ACTUALITY WAS NOT PRESENT AND NOT INFORMED ABOUT SECRET HEARING, ALSO MOTION FILED JULY, 2012.

MOTIONS FILED ON APRIL 25, 2017 BY ATTORNEY KELLY MOYICH WERE IGNORED BY TRIAL JUDGE, NEVER RULED ON DESPITE REQUEST BY ATTORNEY AND LATER DEFENDANT.

DEFENDANT WAS DENIED THE PROPER ABILITY TO SUBPOENA AT TRIAL, AND JUDGE AND PROSECUTOR SCHEMED TO KEEP PERTINENT WITNESSES CONTAINING EXCULPATORY INFORMATION FROM TESTIFYING. ALSO THE DEFENDANT WAS DENIED RIGHT TO FACE HIS ACCUSERS, EVEN AFTER SUBPOENA OF TWO WITNESSES DEFENDANT WAS ACCUSED AGAINST

ATTACHED PAGE 1 RULE 29.15 R.S.Mo.
FORM NO. 40 CRIMINAL PROCEDURE.

9(a through d) CONTINUED.

DEFENDANT WAS NOT ALLOWED TO PRESENT EVIDENCE PERTINENT TO ESTABLISHING DEFENSE AT TRIAL.

PRE TRIAL ATTORNEY KELLY MOTICH INTENTIONALLY DECEIVED DEFENDANT INTO NOT SOLICITING ALIBI INFORMATION AND WAS THEREFORE BARRED FROM PRESENTING EXCULPATORY ALIBI INFORMATION AT TRIAL.

EXCULPATORY TESTIMONY AND EVIDENCE WAS IGNORED AND INTENTIONALLY ELIMINATED FROM TRIAL PROCEEDINGS BY JUDGE AND PROSECUTOR SCHEMES.

DEFENDANT'S TESTIMONY IGNORED BY JUDGE, AND APPEALS ATTORNEY WHEN SUBMITTING ARGUMENT ON APPEAL. INSTEAD ARGUED FACTS NOT ACCURATE IN EVIDENCE.

PRE TRIAL ATTORNEY KELLY MOTICH MISREPRESENTED FACTS INTENTIONALLY IN FILED MOTIONS, SCHEMED WITH PROSECUTORS AND JUDGE NOT TO INTERVIEW WITNESSES WITH EXCULPATORY EVIDENCE EXONERATING DEFENDANT.

DEFENDANT HAS RIGHT TO CONFLICT FREE REPRESENTATION, RIGHT TO COUNSEL AT SENTENCING, RIGHT TO SUBMIT EVIDENCE AT TRIAL AND SUBPOENA WITNESSES, RIGHT TO MIRANDA AND DUE PROCESS AND A COMPLETE TRIAL PROCEEDING ALL OF WHICH DENIED.

DESPITE MOTION IN LIMINE FILED JUNE 20, 2012, AND APPROVED BY JUDGE, PROSECUTOR REPEATEDLY USED M.T. NAMED DURING TRIAL OVER DEFENDANT'S OBJECTION, JUDGE REFUSED TO RECOGNIZE ERROR.

WITNESSES INCLUDE ALL SUBPOENAS IN DEFENDANT'S PRETRIAL MOTION AND ALL ATTORNEYS OF RECORD IN PROCEEDINGS OF COUNTY, CITY, AND FEDERAL INVOLVING THIS CASE, AND ASSOCIATED PROCEEDINGS INCLUDING STAFF AND INTERVIEWED INDIVIDUALS.

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(c) If you file any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket of case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition:	Yes	XNo
(2) Second petition	Yes	XNo
(3) Third petition	Yes	XNo

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____

Public defender instructed to file this appeal and not MO supreme Court
and therefore not given any instruction on filing with MO Supreme Court

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

Both, since I am asking that the Federal and State Convictions be Joined

If "Yes", state the name and location of the court, the docket or case number, the type of proceedings, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available:

Missouri Eastern District Court

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal for the judgment you are challenging? Yes No

Unknown

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised:

16. Give the name and address, if you know, of each attorney who represented you in the following state of the judgment you are challenging:

(a) At preliminary hearing:

(b) At arraignment and plea:

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentences to serve after you complete the sentence for the judgment you are challenging? XX Yes No Federal Conviction on same charges

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

Missouri Eastern District Federal Court

(b) Give the date the other sentence was imposed: March 16, 2012

(c) Give the length of the other sentence: 296 Years

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? XX Yes No

18. TIMELINESS OF PETITION: If your judgment of conviction became filing over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your

petition.

LESS THAN 1 YEAR

Submitted to Staff on May 21, 2019. Documents returned.

resubmitted to Staff after being notified that documents were not
processed, July 17, 2019.

"The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A one-year period limitations shall apply to an application for writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitations period shall run from the latest of:

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitution right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of true diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitations under this subsection.

Therefore, petitioner asks that the Court grant the following relief: VACATE, SET ASIDE OR CORRECT JUDGMENT, CORRECT FACTS AND INFORMATION THAT ARE ERRONEOUS BY PROSECUTOR AND TRIAL JUDGE TO CLEAR RECORD, JOIN FEDERAL APPEAL OF FEDERAL SENTENCE FOR SAME CONDUCT
or any other relief to which petitioner is entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on July 17, 2019 first submitted May 21, 2019.

Executed (signed) on May 21, 2019
July 17, 2019 resubmitted

Signature of Petitioner

JUL 20 4:26
South Central Correctional Center
255 East Highway 32
Foling, Missouri 65542

RECEIVED

2019 JUL 31 PM 12: 52

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF MO
KANSAS CITY, MO

RECEIVED

JUL 19 2019

SCCC MAILROOM

CLERK, UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

400 East Ninth Street
Kansas City, Missouri 64106